

FILED

FEB 28 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CURTIS LEE HENDERSON,

Plaintiff,

v.

J. PETERSON, et al.,

Defendants.

C 07-2838 SBA

**[PROPOSED] ORDER DENYING
PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT**


Plaintiff Curtis Henderson's motion to enforce the settlement came on regularly for hearing on March 22, 2012. Now, the Court having considered the papers supporting and opposing the motion, and the argument of the parties at the hearing,

IT IS ORDERED that Plaintiff's motion to enforce the settlement is DENIED.

The Court finds that the settlement terms Plaintiff seeks to unilaterally impose have never been accepted as part of the settlement agreement, and cannot be enforced in an action on the contract. Plaintiff's motion must also be denied because his own refusal to complete essential paperwork is the sole reason for the State's inability to process his payment. Further, Plaintiff's motion must be denied because CDCR authorized settlement of this case on behalf of its employees, and as such, it is CDCR, not the individual Defendants, who bears the legal

responsibility for payment of the settlement. (Cal. Gov't. Code § 825(a).) And finally, the relief Plaintiff seeks violates the Prison Litigation Reform Act because it is not narrowly drawn, because it extends further than necessary to correct the violation of the Federal right, because it is not the least intrusive means necessary to correct the violation of the Federal right, and because it would cause the individual Defendants to violate state law.

Dated: 2-28-12



Maria-Elena James,
Chief Magistrate Judge

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